

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF INDIANA
HAMMOND DIVISION

IN RE:)
)
GORDON CHARLES BROWN and)
LANETTE MARIE BROWN,) CASE NO. 09-21661 JPK
) Chapter 7
Debtors.)

ORDER ON DEBTORS' MOTION TO DELAY CASE CLOSURE ["MOTION"]

The Motion, filed on August 25, 2009, requests that the court delay closing of the case for a period of not less than 30 days, apparently so that the debtors can take action necessary to add additional creditors to their case. The debtors were granted a discharge by order entered on August 24, 2009; on August 31, 2009, the Trustee filed her no asset report, and thus the case is in a posture for closing under the provisions of Fed.R.Bankr.P. 5009.

Since the motion was filed, no action has been taken to add creditors to the case. Moreover, because this was a no asset case and no claim filing deadline was ever set in the case, the provisions of 11 U.S.C. § 523(a)(3)(A) cause any debts owed to creditors – other than those within the provisions of Section 523(a)(3)(B) – to be discharged whether or not “included” as creditors in this case; *In re Gusek*, 310 B.R. 400 (Bankr. E.D.Wis.2004); *In re Bartlett*, 326 B.R. 436 (Bankr. N.D.Ind.2005). Because no attempt has been made by the debtors to add creditors for a period of two months from the date of filing of the motion, and because no prejudice will inure to the debtors if the motion is denied, the court determines there is no reason to grant the motion.

IT IS ORDERED that the Motion is Denied.

Dated at Hammond, Indiana on October 29, 2009.

/s/ J. Philip Klingeberger
J. Philip Klingeberger, Judge
United States Bankruptcy Court

Distribution:
Debtors, Attorney for Debtors, Trustee, US Trustee